



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,578	03/29/2001	Vincent Vaccarelli	LEAP:101_US_	3469

24041 7590 06/03/2003
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221-5406

EXAMINER

BELL, PAUL A

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 06/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,578

Applicant(s)

VACCARELLI, VINCENT

Examiner

PAUL A BELL

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 2675

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not directly show “converting images to text files”, “manipulating the color of images”, “observing the three-dimensional effects of said images” and printing images. It is noted that applicant states that these “image enhancements known to those skilled in the art” in arguments. But examiner maintains that even if it may be considered obvious that applicant intended to use his apparatus this way it is still simply new matter to claim it now. The applicant may want to consider a CIP.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Zirm (5,376,007).

Art Unit: 2675

With regard to claim 1 Zirm teaches a microscopy laboratory system comprising: a plurality of student microscopes (figure 2, item 14); a plurality of cameras (figure 2, item 15) associated one with each of said plurality of student microscopes for generating an image signal representing a student view image of at least a portion of the field of view of said student microscope (column 3, lines 48-54); multiplexed control means (figure 2, items 17 and 33) connected to said plurality of cameras for receiving said image signals and enabling an instructor to select a set of said image signals for display, wherein said multiplexed control means generates an instruction image signal generated from said selected set of image signals (figure 1, item 30); and display means (figure 1, items 18 or 29 or 35) connected to said multiplexed control means for receiving said instruction image signal and displaying an instruction image comprising student view images corresponding to said selected set of image signals (column 3, lines 51-53) and a display image marker connected to said multiplexed control means for enabling said instructor to annotate said instruction image (column 4, lines 20-46).

With regard to claim 2 Zirm teaches a microscope laboratory system according to claim 1, further comprising an instructor microscope and a camera (figure 2, items 14, 15, and 36) for generating an image signal (figure 2, item 24) representing an instructor view image of at least a portion of the field of view of said instructor microscope, wherein said multiplexed control means is connected to said camera (figure 2, item 24) associated with said instructor microscope

Art Unit: 2675

to receive said image signal generated thereby, whereby said instruction image optionally comprises said instructor view image (column 4, lines 15-20).

With regard to claim 3 Zirm teaches the microscopy laboratory system according to claim 1, wherein said multiplexed control means allows said instructor to select all of said image signals from said cameras associated with said plurality of student microscopes as said selected set (column 4, lines 15-20).

With regard to claim 4 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means allows said instructor to select all of said image signals from said cameras associated with said plurality of student microscopes as said selected set (column 4, lines 15-20).

With regard to claim 5 Zirm teaches the microscopy laboratory system according to claim 1, wherein said multiplexed control means allows said instructor to select said image signal from said camera associated with any one of said plurality of student microscopes as said selected set (column 4, lines 15-20).

With regard to claim 6 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means allows said instructor to select said image signal from said camera associated with any one of said plurality of student microscopes as said selected set (column 4, lines 15-20).

With regard to claim 7 Zirm teaches the microscopy laboratory system according to claim 1, wherein said multiplexed control means allows said instructor to select said image signals

Art Unit: 2675

from cameras of a predetermined sub-group of said plurality of student microscopes as said selected set (column 4, lines 15-20 and column 3, lines 47-54).

With regard to claim 8 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means allows said instructor to select said image signals from cameras of a 15 predetermined sub-group of said plurality of student microscopes as said selected set (column 4, lines 15-20 and column 3, lines 47-54).

With regard to claim 9 Zirm teaches the microscopy laboratory system according to claim 7, wherein there is a plurality of different predetermined sub-groups of said student microscopes (column 4, lines 15-20 and column 3, lines 47-54).

With regard to claim 10 Zirm teaches the microscopy laboratory system according to claim 8, wherein there is a plurality of different predetermined sub-groups of said student microscopes (column 4, lines 15-20 and column 3, lines 47-54).

With regard to claim 11 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means allows said instructor to select said image signal from said camera associated with said instructor microscope as said selected set (column 4, lines 15-20 and column 3, lines 47-54).

With regard to claim 14 Zirm teaches the microscopy laboratory system according to claim 1, further comprising a computer connected to said multiplexed control means, said computer having a memory, whereby said instruction image and said student view images can be stored in and retrieved from said memory (figure 2, item 35).

Art Unit: 2675


With regard to claim 15 Zirm teaches the microscopy laboratory system according to claim 2, further comprising a computer connected to said multiplexed control means, said computer having a memory, whereby said instruction image, said student view images, and said instructor view image can be stored in and retrieved from said memory (figure 2, item 35).

With regard to claim 16 Zirm teaches the microscopy laboratory system according to claim 1, wherein said multiplexed control means comprises means for selectively superimposing respective identification information on each said student view image in said instruction image (column 4, lines 42-46).

With regard to claim 17 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means comprises means for selectively superimposing respective identification information on each said student view image in said instruction image (column 4, lines 42-46).

With regard to claim 18 Zirm teaches the microscopy laboratory system according to claim 1, wherein said multiplexed control means comprises means for magnifying said instruction image (figure 1, item 30).

With regard to claim 19 Zirm teaches the microscopy laboratory system according to claim 2, wherein said multiplexed control means comprises means for magnifying said instruction image (figure 2, item 30).



Art Unit: 2675

With regard to claim 20 Zirm teaches the microscopy laboratory system according to claim 1, wherein said connection between said multiplexed control means and said plurality of cameras comprises a wireless connection (column 3, lines 1-15).

With regard to claim 21 Zirm teaches the microscopy laboratory system according to claim 1, wherein said connection between said display means and said multiplexed control means comprises a wireless connection (column 3, lines 1-15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zirm (5,376,007).

With regard to claim 22 Zirm does not directly illustrate an example; “wherein said stored images are enhanced by a process selected from the group consisting of increasing the resolution of said images, adding audio effects to said images, converting said images to text files, manipulating the color of said images, observing the three-dimensional effects of said images, and printing images”, however such recitations are simply viewed as merely directed towards an “OBVIOUS INTENDED USE” of the Zirm stored images that are “techniques for image

Art Unit: 2675

enhancement known to those skilled in the art”. If the prior art structure is capable of performing the intended use, then it meets the claim.

Response to Arguments

7. Applicant's arguments filed 3/24/2003 have been fully considered but they are not persuasive in regards to claims.

On page 3 the applicant argues with regard to amended claim 1 that the Zirm reference does not expressly or inherently, teach; “a display image marker means connected to the multiplexed control means for enabling the instructor to annotate the instruction image”.

The examiner disagrees because column 4 lines 20-47 teaches;

“It is also possible to obtain additional **measurement results** from the operation step such as for example the results of a pressure measurement from the operation zone, in order to determine any possible damage to the tissue.”

“The conductors 32 (FIG. 2 upper left) of this measuring device lead to a measurement data accumulation component 33, which for example is constituted by a digital **multiplexer**, and from the exit of the latter, a conductor 34 leads to a computer 35, **which collects and computes the data in digital form.**”

“As a result of the foregoing, the **corresponding measurement** findings at the conclusion of the operation can be **coordinated with the video pictures** of each operation, utilizing a synchronized timer as a basis. “

Art Unit: 2675

"From the foregoing it is also observed that a great advantage of the operation techniques disclosed result in **great benefits in teaching technique**, since the teacher at the station 36, by means of depressing a button in the video distributor 17 and a button in the audio distributor 19, can at any time establish oral communication between the teacher and each individual student, as well as to **display the video picture** of the operation field of **this student alone** on the multiple-field monitor 18. It is therefore possible, by means of this invention, to **conduct** an intense and undistracted **instruction** to several students at one time."

Therefore examiner maintains this reference clearly anticipates this very broad language to summarize marking up an image so as to annotate for the instructor.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2675

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to: (703) 872-9314

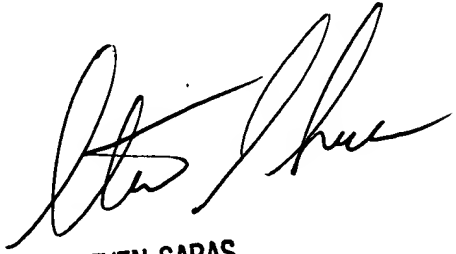
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Paul Bell

Paul Bell

Art unit 2675

22 May 2003


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600